

ORAL HISTORY INTERVIEW

LYNN COLLINS



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Interview Conducted and Edited by:
Donald B. Seney in 2006
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Statement of Donation

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STATEMENT OF DONATION ORAL HISTORY INTERVIEW LYNN H. COLLINS

1. In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms, conditions, and restrictions set forth in this Statement, I, Lynn H. Collins, (hereinafter referred to as "the Donor"), of that Lake City, Utah, do hereby give, donate, and convey to the Bureau of Indian Affairs and the National Archives and Records Administration (hereinafter referred to as "the National Archives"), acting for and on behalf of the United States of America, all of my rights and title to, and interest in the information and responses (hereinafter referred to as "the Donated Materials") provided during the interview conducted on September 22, 2006, in Santa Fe, New Mexico, and prepared for deposit with the National Archives and Records Administration in the following format: cassette tapes and transcripts. This donation includes, but is not limited to, all copyright interests I now possess in the Donated Materials.
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INTERVIEWER: Donald B. Sney

Having determined that the materials donated above by Lynn H. Collins are appropriate for

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Editorial Convention

A note on editorial conventions. In the text of these interviews, information in parentheses, (), is actually on the tape. Information in brackets, [], has been added to the tape either by the editor to clarify meaning or at the request of the interviewee in order to correct, enlarge, or clarify the interview as it was originally spoken. Words have sometimes been struck out by editor or interviewee in order to clarify meaning or eliminate repetition. In the case of strikeouts, that material has been printed at 50% density to aid in reading the interviews but assuring that the struckout material is readable.

The transcriber and editor also have removed some extraneous words such as false starts and repetitions without indicating their removal. The meaning of the interview has not been changed by this editing.

While we attempt to conform to most standard academic rules of usage (see *The Chicago Manual of Style*), we do not conform to those standards in this interview for individual's titles which then would only be capitalized in the text when they are specifically used as a title connected to a name, e.g., "Secretary of the Interior Gale Norton" as opposed to "Gale Norton, the secretary of the interior;" or "Commissioner John Keys" as opposed to "the commissioner, who was John Keys at the time." The convention in the Federal government is to capitalize titles always. Likewise formal titles of acts and offices are capitalized but abbreviated usages are not, e.g., Division of Planning as opposed to "planning;" the Reclamation Projects Authorization and Adjustment Act of 1992, as

opposed to “the 1992 act.”

The convention with acronyms is that if they are pronounced as a word then they are treated as if they are a word. If they are spelled out by the speaker then they have a hyphen between each letter. An example is the Agency for International Development’s acronym: said as a word, it appears as AID but spelled out it appears as A-I-D; another example is the acronym for State Historic Preservation Officer: SHPO when said as a word, but S-H-P-O when spelled out.

Introduction

In 1988, Reclamation began to create a history program. While headquartered in Denver, the history program was developed as a bureau-wide program.

One component of Reclamation's history program is its oral history activity. The primary objectives of Reclamation's oral history activities are: preservation of historical data not normally available through Reclamation records (supplementing already available data on the whole range of Reclamation's history); making the preserved data available to researchers inside and outside Reclamation.

In the case of the Newlands Project, the senior historian consulted the regional director to design a special research project to take an all around look at one Reclamation project. The regional director suggested the Newlands Project, and the research program occurred between 1994 and signing of the Truckee River Operating Agreement in 2008. Professor Donald B. Seney of the Government Department at California State University - Sacramento (now emeritus and living in South Lake Tahoe, California) undertook this work. The Newlands Project, while a small- to medium-sized Reclamation project, represents a microcosm of issues found throughout Reclamation: water transportation over great distances; three Native American groups with sometimes conflicting interests; private entities with competitive and sometimes misunderstood water rights; many local governments with growing water needs; Fish and Wildlife Service programs

competing for water for endangered species in Pyramid Lake and for viability of the Stillwater National Wildlife Refuge to the east of Fallon, Nevada; and Reclamation's original water user, the Truckee-Carson Irrigation District, having to deal with modern competition for some of the water supply that originally flowed to farms and ranches in its community.

The senior historian of the Bureau of Reclamation developed and directed the oral history program. Questions, comments, and suggestions may be addressed to:

Andrew H. Gahan
Land Resources Division (84-53000)
Policy and Administration
Bureau of Reclamation
P. O. Box 25007
Denver, Colorado 80225-0007
(303) 445-3314
FAX: (720) 544-0639

For additional information about Reclamation's history program see: www.usbr.gov/history

**Oral History Interview
Lynn Collins**

Seney: I'm with Lynn R. Collins in Reno, Nevada. Today is September 12, 2006. This is our first session and our first tape.

Good afternoon, Lynn.

Collins: Good afternoon.

Seney: Why don't you begin by telling me a little about yourself, where you were born, and when, and how you got, a little about your education, how you got to be working for the Department of the Interior.

Beginnings and Education

Collins: Okay. I was actually born in southwestern Kansas, the town called Garden City, on April 19, 1940. When I was about sixth grade we moved to Colorado, and I actually grew up and went to high school, junior high and high school, in Loveland, Colorado. My undergraduate education was at Brigham Young University in Provo, Utah, and I went to the George Washington University National Law Center, where I graduated in 1970 with a Jurist Doctorate degree.

Seney: Are you Mormon?

Collins: I am.

Seney: Yeah. I would think if you went to Brigham Young (Collins: Yeah.) that's usually a sign that—are you a devout Mormon, (Collins: Yes.) pretty much? Good. All right. I'm just curious. Because, I know there are a number of Mormons in the Bureau of Reclamation.

Collins: Yes.

Seney: Right. And, there's kind of a culture. And, is that true in the Interior generally?

Collins: No. Not necessarily. (Seney: Yeah.) There were some in the Solicitor's Office that I've known (Seney: Right.) over the years, and so on. But, I wouldn't say that it's true generally throughout the Department.

Seney: Right. Okay. What, when did you go, what did you do after you got out of law school?

Collins: I went to work for the—well, let me back up just a little bit.

Seney: Sure.

Collins: I first went to Washington D.C. to go to law school and while I was there I got involved in the Civil Rights Division of the Justice Department,

working in the Voting Rights, for the Voting Rights Section, and did, observed elections and did registered voters and did voting rights work in Mississippi, Alabama, South Carolina, and Louisiana in 1967, '68, and '69.

Seney: Well, this is not—well, when did—the Voting Rights Act passed in '65?

Collins: In '65. Right.

Seney: Yeah. So.

Collins: So, it was pretty much the initial implementation of the Voting Rights Act.

Seney: That must have been kind of exciting, wasn't it?

Implementing the 1965 Voting Rights Act

Collins: Yeah. It was. It was very interesting.

Seney: Talk about that.

Collins: Very interesting. Well, for a young man who grew up in Colorado and realized that there were no African-Americans even living in his town, let alone that he went to school with, (Seney: Right.) and then going to Brigham Young University, where there were some but not a lot, it was interesting to go into a culture where there were

many African-Americans, and to be there in essence on their behalf, (Seney: Right. Right.) to make sure that they were getting the rights that they deserved as citizens to register and vote in their local, and state, and national elections. So, it was, it was an interesting experience, and there were times when it became a frightening experience. But . . .

Seney: Give us an example of that.

Collins: My partner and I were in a small town in Mississippi, a little town called Fort Adams, Mississippi, one mile from the Mississippi River, in Wilkinson County, Mississippi, and we were at the polling place by seven o'clock in the morning. We were to call the F-B-I [Federal Bureau of Investigation]. We were to call in as soon as we got there and if the F-B-I had not heard from us by a certain time they were to come check on us to make sure we were all right. Well, when we got to that town and began to look for a phone there were no public phones available to us and we could not, and that was before we had cell phones, and we couldn't call to report that we were there and that we were all right. And, it was two o'clock in the afternoon before they came looking for us. So, I was (Laugh) happy, you know, that nothing had happened (Seney: Yeah. Right.) by then. But . . .

Seney: That's not exactly a quick response there?

Collins: Right. But, when my partner and I walked out at two o'clock in the morning, after having been there since seven the previous morning, after all the ballots were—it was a paper ballot precinct—and, after all the ballots were counted and the ballot boxes locked and taken away we were free to go, and we walked out and, and there were several cars parked over under some trees with a bunch of guys milling around, and our car was parked closer to the polling place. And, we got in and we just gritted our teeth and turned the key, because we had no idea what they had done or what they might be doing. (Seney: Right. Right.)

And as we, we were staying, actually staying in Baton Rouge, Louisiana. That was the, where we had our hotel. We weren't staying in Mississippi. And so, we got on the highway, and we had refused a G-S-A [General Services Administration] vehicle. We wanted a better car, so they gave us a rental car. It was a Plymouth Fury III with an Interceptor engine in it, which we thought was about right. (Seney: Yeah.) (Laugh) And so, we had it up to about 120 miles an hour between that little town in Mississippi, going down the interstate and Baton Rouge, and those cars stayed with us until we crossed the Louisiana-Mississippi (Seney: Oh.) border, and then they

peeled back and didn't follow us any further. And, we still don't know who they were, (Seney: Right.) whether any of them were F-B-I, whether any, you know, we just don't know what they were doing. It was kind of frightening.

Seney: There had been the three murders of (Collins: Yes.) Turner, Cheney, and . . .

Collins: And Goodman.

Seney: Goodman. Right.

Collins: In 1964, (Seney: Right.) which was several years earlier, (Seney: Right.) but that, (Seney: Right.) that case was still hot on the minds (Seney: Right. Absolutely.) of everyone because of the prosecutions and so (Seney: Right.) on.

Seney: Right.

At the Civil Service Commission

Collins: So, it was an interesting experience. And then when I actually—I was doing that while I was going to law school, which was kind of tough (Seney: Right.) because I would have to take off from school to go do that, but they were very nice about because they knew what I was doing, and they gave me a lot of leeway in my course work and in my exams, and so on. Then I graduated in

1970 and I was hired by what was then the Civil Service Commission to work in their General Counsel's Office. I didn't go back to Justice. I went another direction and I went to the Civil Service Commission. And, I was there working, let's see, I got there in 1970-71. I passed the bar in 1971, before I got the bar results back and was sworn in. (Seney: Right.) And, I was there until about 1978, working on political coercion cases involving—there's—you're probably familiar with the Hatch Act? (Seney: Right. Right.) You probably know what that is?

Seney: Yes. Yes.

Collins: But, there's a very little known element of the Hatch Act, which many people don't understand. A lot of federal employees don't know about it, and it is that if there are federal funds going into a state or local government office they are covered by certain restrictions and we had a number of cases of people who were being coerced to keep their (Seney: Ah.) jobs. They had to make contributions to the party in power, or whatever, (Seney: Ah.) in those federally-funded programs, and we used to investigate and prosecute those before an administrative law judge. So.

Seney: So, these were clustered in certain states and communities?

Collins: No. I mean—and even—well, let me go forward just a minute, and then I'll go back to that. I—in 1978 Congress created and President Carter signed an act which created a new office called the Office of Special Counsel, which was an independent prosecutor's office to prosecute primarily whistle-blower type cases, (Seney: Right.) whistle-blower reprisal type cases. But, we also did some of the political coercion work, as well, that we took from the Civil Service Commission.

Seney: So, you moved over into that?

Collins: And, I moved over there. The fellow who was the general counsel at the Civil Service Commission, when that became law, became the first special counsel appointed by the president, confirmed by the Senate, and he asked me to go with him. (Seney: Ah.) And so, I went with him and really headed up his Prosecution Division. And, but during that time, whether before or after the creation of that office we had cases involving the New York Housing Authority, the Ohio Department of Transportation, the case in Hazard, Kentucky, of all places, that we investigated. And so, and in Pennsylvania, the Pennsylvania Department of Transportation. So, there were just numbers of very (Seney: Right.) heavily federally funded state and local agencies that were involved in that kind of, that kind of activity.

And, in fact, in Philadelphia we had, we, the F-B-I would go around and talk to people and then the, the mafia types would go around and talk to the same people and tell them they better not talk to the F-B-I again, and then we would come around. And so, it was really kind of an interesting (Seney: I'll bet.) experience again, because the, (Seney: Yeah.) the Philadelphia Housing Authority was run by a man who was very closely connected with Angelo Bruno, who was the local family head in Philadelphia. (Seney: Right. Right.) So, that was also an interesting experience.

Seney: I'll bet.

To the Department of the Interior

Collins: And so, I was in the Special Counsel's Office from nineteen, from December, I think, of 1978 until I left in February of 1987. So, what does that make it? Nine years. (Seney: Right.) A little over nine, well almost nine years. When I was asked by a friend of mine, who I had known from [Department of] Justice, who had since become the solicitor of the Interior, if I would be interested in coming to work for him, and he had an office. He said, "You're from the West?" and I said, "Yes, I'm from Colorado." And, he said, "Well, I don't have an office in Colorado open. It's not open. But, I do have one in Salt Lake

City. Would you be interested in going there and heading up that office?" And so, we talked about it and decided that that was a good move, (Seney: Right.) and so that's how I got to Salt Lake.

Seney: And, how was it in Salt Lake? Do you have family there?

Collins: No.

Seney: Yeah.

Collins: No. Huh uh.

Seney: Right.

Collins: But, but my wife and I had both gone to school in Provo. So, (Seney: Right.) but we had never lived there other than as students, and so it was, that was an interesting transition as well. Let's see, I probably have lost myself here.

Seney: No. Not really.

Work at the Special Council's Office

Collins: And so, I went to work—well, as in the Special Counsel's Office I actually worked for several special counsels appointed. They were politically appointed. (Seney: Right.) And, the last one that I worked for appointed me his deputy. I was a

career federal attorney, but I was appointed his deputy, and so my reputation at the White House, at the Reagan White House was that I was a rock-ribbed conservative Republican, because that's what he had to tell them in order to get them (Laugh) to approve my, my being the deputy. (Seney: Right. Right.) And so, I did a lot of work with the White House Counsel's Office, both Fred Fielding, who was counsel to the president, and to Boyden Gray, C. Boyden Gray, who was counsel to Vice President Bush at that time. (Seney: Right.) I did a lot of work with them and for them on different matters that they were, had interest in. And then, this special counsel that had asked me to take that position was appointed, nominated, and confirmed to be the U.S. Attorney for Guam and the Northern Mariana Islands. And so, he went away. And so, for a period of probably six or eight months President Reagan designated me as acting special counsel. So, I had a presidential designation as an agency head for that brief period of time, in the Reagan administration.

Seney: Right. Right.

Work at the Solicitor's Office in Salt Lake City

Collins: And then, Ralph Tarr, who was the solicitor of the Interior that I had known when he was at Justice asked me if I would come with him, and that's when I ended up going to Salt--well, I went to

D.C. first, was in the Solicitor's Office in D.C. for six months just to learn (Seney: Right.) how the office operated and what all the, who all the players were, and how things were to play out, and then we moved to Salt Lake and I took over the, what was then called the Intermountain, Intermountain Regional Office. And, I had Field Offices in Boise, Idaho and Phoenix Arizona that reported to me. So, I had the Upper Colorado Region of the Bureau, the Lower Colorado Region of the Bureau, and the Pacific Northwest Region of the Bureau that we did legal, (Seney: Uh huh.) legal work for, in addition to all the other agencies that, B-I-A [Bureau of Indian Affairs], and all the others that we had responsibility for their legal business.

Seney: And, it's through that that you got involved eventually in the Truckee River business?

Introduction to Indian Water Cases

Collins: That's correct. After I got there to Salt Lake in September of 1987, I think it was maybe November, Ralph Tarr then asked me if I would be his representative on the Snake River basin adjudication, which was going on in Idaho. And so, I did that and I worked on the Snake River basin adjudication, was one of the principal negotiators for the Fort Hall Indian Water Rights Agreement, which culminated in 1990, the same

time as 101-618 culminated.¹ (Seney: Right.) And, there's an interesting story there as well, which I will share with you (Seney: Good.) in a moment. And then, Tom Sansonetti eventually became—there were, there was somebody in between, but Tom Sansonetti became the solicitor in about, probably, 1989 or '90. Let's see, President Bush was, the first Bush was elected in '88, would have taken office in January of '90. So, Tom probably started sometime in '90.

1. Public Law 101-618 became law on November 16, 1990. The law contains two acts: The Fallon Paiute-Shoshone Tribal Settlement Act and the Truckee-Carson-Pyramid Lake Water Rights Settlement Act. The main topics of the legislation are:

- Fallon Paiute-Shoshone Tribal Settlement Act
- Interstate allocation of waters of the Truckee and Carson rivers.
- Negotiation of a new Truckee River Operating Agreement (TROA)
- Water rights purchase program is authorized for the Lahontan Valley wetlands, with the intent of sustaining an average of about 25,000 acres of wetlands.
- Recovery program is to be developed for the Pyramid Lake cui-ui and Lahontan cutthroat trout
- The Newlands Project is re-authorized to serve additional purposes, including recreation, fish and wildlife, and municipal water supply for Churchill and Lyon Counties. A project efficiency study is required
- Contingencies are placed on the effective date of the legislation and various parties to the settlement are required to dismiss specified litigation.

Source is: http://www.usbr.gov/mp/lbao/public_law_101-618.html
(Accessed on December 7, 2011).

Seney: In '89 he would have taken office. January of '89?

Collins: Oh, what did I say?

Seney: Ninety.

Collins: Oh, '90? Yeah. It would have been '89. Well, President Bush would have taken office in January of '89. I think there was a solicitor in between who was only there for about nine months or so, and then Tom came in as the solicitor. And, we had worked together before, because when I was in Washington for the six-month period he was an associate solicitor for Energy and Resources and I was the deputy for Indian Affairs. And so, we (Seney: Ah.) had a lot of interaction (Seney: Right.) and we got to know each other well.

And, in 1991, actually probably December of 1990, Tom called me and said, "Would you be willing to assume responsibility for me for all of the things that are going on under Public Law 101-618, all the legal things that need to be taken care of?" Bill Bettenburg² had gone to Tom and said, "I can't work with four different solicitors,

2. William Bettenberg participated in Reclamation's Oral History Program, see William Bettenberg, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2009.

because they don't agree with each other. I need somebody from your office that (Seney: Yeah.) can be the voice and tell me what the answer is, and that you will stand behind." And so Tom said, "Well, I'll give you somebody," and that was, it turned to be me, because he called and said, "Would you be willing to do that?"

Seney: I guess four different solicitors, would have been one from the Bureau, one, well Reclamation, one from Indian Affairs, (Collins: Right.) one from . . .

Collins: Fish and Wildlife. Right.

Seney: Fish and Wildlife. (Collins: Right.) And so forth? Yeah.

Collins: And so, and they never, as you can imagine they didn't agree on a (Seney: Sure.) whole lot (Seney: Of course.) sometimes.

Seney: Right. Yeah.

Collins: And so, my charge was to—and then Fred Disheroon³, by the way, independently went, as I

3. Fred Disheroon participated in Reclamation's Oral History Program, see Fred Disheroon, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation Oral History Interviews, conducted by Donald B. Seney, edited by Donald B. Seney, and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2010.

recall, went and said, “I need somebody that can be the liaison between the Justice Department and the Solicitor’s Office that I can talk to.” And so, I was assigned that role as well. So, I became Tom Sansonetti’s, I don’t want to say “surrogate,” but his (Seney: Sure. Representative?) representative (Seney: Right.) on all things related to 101-618 that involved the Solicitor’s Office. And then, as well, had the assignment to be the liaison between the Solicitor’s Office and the Department of Justice on the 101-618 matters.

Seney: Did he say something to you like, “Gees Lynn, this will just take a couple years and, you know, not much trouble”?

Going to the First TROA Negotiation Meeting

Collins: Well, yeah, we, you know, that was at a time when we, I remember going to the first Truckee River Operating Agreement negotiation meeting, which was held—and it’s strange that I remember this date, but I do. It’s emblazoned in my mind—February 21, 1991 I went to my first meeting. That’s the first time I met Bill Bettenburg. That’s the first time I met Fred Disheroon, other than having seen him in another meeting, (Seney: Right.) but that’s the first time I really officially met him, and all the other players that were involved in (Seney: Right.) trying to negotiate TROA [Truckee River Operating

Agreement]. And, everyone around, or in that room, around that table, assumed that we could get this done in, in two to maybe five years at the most. And, Senator Reid was interested in getting it done sooner than later. (Seney: Right.) And so, everybody was sort of committed to trying to do as much as we could as quickly as we could, but to get it right. That was the (Seney: Right.) most important thing. (Seney: Right.) You know, we don't want to do something quickly and then find out it doesn't work. We need to get it right. And so, that started that long process, which now is into fifteen years of negotiation.

Seney: You were going to say something about the (Collins: Oh.) Indian Settlement Act?

Collins: Yeah. The interesting thing is, when I was on the Hill, when the Fort Hall Indian Water Rights Agreement came for ratification by the Congress, and they passed the Fort Hall Indian Water Rights Act⁴ to ratify the Agreement, I was up there with the group testifying, and Senator Jim McClure from Idaho was one of the sponsors of the Indian Water Rights Agreement. And, of course, Senator

4. For more information on the Fort Hall Indian Water Rights Agreement, see "Fort Hall Indian Water rights Act of 1990," November 16, 1990 in U.S. Department of the Interior, Bureau of Reclamation, *Federal Reclamation and Related Laws Annotated*, Donald L. Walker, editor (Denver: United States Government Printing Office, 2001), 3663-8.

Reid had his 101-618, which I knew nothing about at that time. I mean, I just, I knew a number, but I didn't (Seney: Yeah.) know anything about the Truckee River Operating Agreement. I mean, the whole passel of legal issues involving the Truckee River and Pyramid Lake. And so, we were testifying and Senator Reid came and testified on behalf of Senator McClure's Water Rights Settlement for, in exchange for Senator McClure supporting 101-618 and—and he was a Republican, by the way. (Seney: Right.) Senator McClure was a Republican. (Seney: Right.) But, he would testify in favor of and support Senator Reid and help cosponsor Senator Reid's 101-618. And so, that was just kind of an interesting (Seney: Yeah.) thing that I found out later and didn't realize at the time, (Seney: Right.) that I would actually end up working on both of them.

Seney: Interesting.

Collins: And so, that was kind of the little, sort of a little nugget of history that I thought was kind of interesting, (Seney: Yeah.) the way it worked out.

Seney: Well, Reid apparently is a very canny legislator, and good at building coalitions, and I guess McClure too?

Collins: Well, I think Reid may—well, I don't want to say

anything about Senator McClure, but I think Reid may have been a little more smooth in his building of coalitions than McClure. But, they were able to work together, which was good.

Seney: Why would you say that?

Collins: Well . . . I didn't have that much exposure directly with Senator McClure. I've had much more with Senator Reid on this project than I had with Senator McClure. For one thing, I didn't start on the Water Rights Settlement Agreement until November, I think, of 1987, and we signed it in July of 1990. So, it was a very brief period of time (Seney: Right.) that we negotiated it. And, Senator McClure never participated in the negotiations or anything. We just knew that he was interested. But, we never had that much contact with him. And, I guess I can't say that he, that he lacks anything in that area. It's just that I have been able to observe Senator Reid as he has interacted and as he has, you know, sort of developed the relationships that we've needed to do this. I know that . . .

The Importance of Senator Harry Reid's Role

Seney: Talk about that a little. Talk about, I mean Senator Reid was obviously pivotal in all of this, getting 101-618 passed, and I know he's maintained a consistent interest in the

negotiations, the content, the pace, (Collins: Right.) other legislation in the state (Collins: Right.) that's come (Collins: Right.) up. Talk about Senator Reid's role in all of this.

Collins: Well, Senator Reid, obviously, was the, I say the principal architect of 101-618.⁵ He's the one who wanted legislation that would try, once and for all, to solve the problems on the Truckee River and with regard to Pyramid Lake. There was a lot of drafting done before I got involved. In fact, I, when I got involved it had already been passed and signed into law by the president, (Seney: Right.) the first President Bush. I think November 16, 1990 was the date the Indian Water Rights Act was signed, and I think that this was signed that same day, as I recall. They were sort of parallel pieces of legislation (Seney: Ah.) moving along, having to do with two different things but involving Indians, and water, (Seney: Right.) and so on, and Reclamation projects.

And so, I knew Tom Jensen [spelling?], for example, who was one of the Capitol Hill people, lawyers, who was involved in drafting 101-618,

5. Senator Harry Reid participated in Reclamation's Oral History Program, see Harry Reid, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and further edited and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2013.

and I know Fred [Disheroon] had took a part in drafting parts of 101-618. And, I know Bill Bettenburg had a lot to do with drafting portions of 101-618. But, Senator Reid has appeared in our meetings several times to sort of give us pep talks, and to, you know, and has, when he has seen us at—I remember when we signed the Truckee River, Truckee River Water Quality Settlement Agreement. He was there, of course, for that, and was complimentary of everyone who was working on TROA. And he just had sort of that ability to make you feel like you were doing something positive, you know. And, as I say I never had that experience with Senator McClure, but I never really had that much (Seney: Right.) contact with him (Seney: Right.) either. And so, I guess that's where I'm drawing my, my feeling about Senator Reid and his ability to, to motivate people, or to get a coalition (Seney: Right.) together, or whatever. Now, I know that there are some who don't agree with him, and they don't agree with 101-618, and they have always felt left out, even though they were involved from the very beginning but chose not to stay involved, and then even in the TROA were involved in the very beginning and then chose not to stay.

Seney: Are you talking about the Truckee-Carson
(Collins: Yes.) Irrigation District?

Collins: Yes. Right. Specifically.

Seney: Right.

TCID's Involvement in 101-618

Collins: And other Lahontan Valley interests (Seney: Right.) as well. But I, I, and I can't say first hand that T-C, what T-C-I-D's [Truckee-Carson Irrigation District] involvement was in the structure of 101-618, because I wasn't there. (Seney: Right.) But, I've been told that they participated up to a point and then decided (Seney: Right.) it wasn't going the way they wanted and they pulled out. (Seney: Right.) But, I do, I did have a lot of contact with them during the course of the TROA negotiations, starting in 1991 and going through, and they attended a number of those early sessions, and then they attended sort of in the middle. But, other than that they've sort of been absent from the process.

Seney: What was the nature of your contact with them on the TROA negotiations?

Collins: Well, I went with Bill Bettenburg on several occasions to Fallon and met with the Board of Directors, spoke to groups of their constituents about TROA and about, you know, what it was to do, and what it would not do in terms of being harmful to their interests particularly. And, I think, I'm not sure that they really understood or believed that we weren't, that this wasn't another

attempt to grind them down in some way. Because, they've had that, they've sort of had that mentality. (Seney: Uhm-hmm.) And, I probably shouldn't say that for the record, but I've noticed the mentality, (Seney: Well, you wouldn't be the only one who . . .) it's almost like a fox. It's not like, it's almost like a foxhole mentality, (Seney: Right.) or a siege mentality. (Seney: Right.) And, I don't know that there aren't some good reasons for it, particularly in their minds there are good reasons for it. But I think, and even when—I don't know how familiar you are, you've probably been told about the, what Senator Reid called the "Second Generation Negotiations," (Seney: Right.) the Facilitated Negotiations?

Seney: Right. Settlement II?

Collins: Gail Bingham,⁶ right, (Seney: Right.) who came out and facilitated talks, (Seney: Right.) and we tied to settle any number of things, including the recoupment issue. And, there were some pretty good proposals on the table, which would have been beneficial but which were walked away from simply because I'm not sure they understood or they didn't trust the federal government or

6. Gail Bingham participated in Reclamation's Oral History Program, see Gail Bingham, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney, and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2009.

something. But . . .

Seney: Well, at one point, toward the end, there was a feeling that, that agreement had been reached, was there not, and some applause and then the, the Truckee River, or the Fallon interest came back and said, “No. No.”

We Were Getting Pretty Close

Collins: Yeah. I remember getting, well getting to where we thought we were pretty close (Seney: Yeah.) and then finding out that they couldn't sell it back, back home. (Seney: Right.) I don't know that we knew that it was, or thought that it was really a done deal, but we thought we were getting close. We thought we were getting to a point where we could actually work out something which would, which would be a lasting agreement and it just didn't, it just didn't fly. So, I know, I was talking about Senator Reid and I know there are some who disagree with him, (Seney: Right.) and I know that he's not intensely popular in that part of the world. And, but for the most part I think he's done a pretty good job of bringing people together and trying to get this done. And his, his assistant, staff assistant Mary Conelly,⁷ has also been very

7. Mary Conelly participated in Reclamation's Oral History Program, see Mary Conelly, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by
(continued...)

heavily involved, and in fact attended all those Second Generation Negotiations when they were going on, and has met with us a number of times. I've been in a number of meetings with Mary. And, I guess I don't have too much more to say about Senator Reid and (Seney: Sure.) in this.

Seney: Well, I know he's found bits and pieces of money when that would be helpful for the negotiations.

Collins: Oh, absolutely. Yeah. Absolutely.

Seney: Right.

Collins: Absolutely. And so, from 1991, in February, when I attended that first meeting, until I retired from the Solicitor's Office in April of 1997 I was in that role of being the solicitor's representative for 101-618.

Seney: Well then, you've continued since then on a consulting basis? Right?

Collins: I've continued, I took thirty days off in May of 1997. I then, Fred asked me if I would consider coming back under contract to D-O-J [Department of Justice] as a consultant to continue working on

7. (...continued)

Donald B. Seney, edited by Donald B. Seney, edited by Donald B. Seney, and further edited and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2013.

these same things and that's what I've done.

Seney: Ah. I see. So now, (Collins: Yes.) you're really working for the Department of Justice (Collins: Yes.) and not really reporting to the solicitor for Interior?

Working for the Department of Justice

Collins: No. That's correct. That's correct.

Seney: Is that, is that McFarland now who's doing that?

Collins: Well actually, I report to Fred. McFarland is working on it as well, but he and I both sort of report to Fred. Right.

Seney: Okay. Let me turn this over.

END SIDE 1, TAPE 1. SEPTEMBER 12, 2006.

BEGIN SIDE 2, TAPE 1. SEPTEMBER 12, 2006.

Collins: I say that Steve McFarland reports to Fred. That's not entirely an accurate statement, because, but Fred is lead counsel for D-O-J on these, these matters. And so, but Steve has his own reporting chain that he goes through at the Department of Justice and he is every bit as familiar with a lot of the things that are going on as Fred is, (Seney: Right.) and I get a lot of support from Steve and interact with him a lot (Seney: Right.) as well.

Seney: How has what you're doing changed from the time you retired from the Solicitor's Office and gone to work, subsequently, as a consultant to the Department of Justice?

Collins: The major change is that I'm called a litigation consultant, but Justice has pretty strict rules against contracting for strictly legal services. And so, what I do is I assist Fred and Steve, and act as a support for, acted as a support for Bill Bettenburg and now Betsy [Reike] as well. But, I don't, they don't look at me as a federal lawyer, which when I was with Interior I was (Seney: Right.) the agency attorney, and I'm not that anymore. My legal skills and knowledge still are usable and still play a part, but I don't hold myself out nor am I viewed as a Justice Department lawyer.

Seney: Right. Right.

Collins: I'm a consultant (Seney: Right.) on litigation, and that's essentially what I do.

Seney: And, that means?

Collins: Well, to just give you an example, on the recoupment case I had responsibility for putting together the historical files on, that lead up to the

recoupment case.⁸ And then when the recoupment trial was held in March and April of 2002, I was called as a witness by the United States to take the court through the documents (Seney: Uh huh.) and so on. So, I acted, I don't have a degree in history, but "historian" was probably the closest thing that you could call me. (Seney: Right.) I think Michael VanZandt [spelling?], who was the attorney for T-C-I-D in the recoupment case referred to me as a, as a "talking legal highlighter," a "talking yellow highlighter," or (Laugh) something like that. But, but the main difference between what I did for Interior and what I do for Justice is how I'm viewed in the legal, in my legal perspective, (Seney: I see.) or my legal role.

Seney: Right. Right. Because, for Justice, or for Interior you were reporting to the solicitor?

Collins: To the solicitor, directly.

Seney: Finding out from him (Collins: Right.) what he wanted done?

Collins: Right. Right.

8. For more information on the recoupment case, see *United States v. Bell IV III NV*, United States Ninth court of Appeals, Ninth Circuit, www.caselaw.findlaw.com/us-9th-circuit/1522233.html (Accessed November 2013).

Seney: Yeah.

Collins: And, I was authorized to give Bill Bettenburg legal advice on the things that he was doing, and do the legal work or farm it out to someone else and then supervise it (Seney: Ah.) for the things Bill Bettenburg needed done. (Seney: Right.) I haven't done that with Betsy, simply because she was not the TROA lead at the time I retired. And so, ever since I've retired I've been working for Justice and, but I still am a support to her in that if she needs something or needs to pick my brain, or wants to talk about an issue (Seney: Right.) she's, she's free to do that.

Seney: Does she call on you from time to time?

Collins: Yes. She does occasionally. (Seney: Right.) Yes.

Seney: Right. What kinds of things has she talked to you about?

Collins: Well, you know, historical things. What I recall about how certain things came to be, or what I know about interpreting parts of 101-618 from my, from my past knowledge of it and experience with it. I'm currently working with Kenneth Parr, and this will probably, he probably will mention this again tomorrow, on helping them put together the federal rule for the secretary of interior to sign, which will, in fact, implement TROA (Seney: Uh

huh.) as the federal rule. We have to draft all the precatory language and everything that puts TROA in as the rule.

Seney: How long a document is that going to be?

Collins: Oh, we're, I think right now we have eleven or twelve pages of Record of Compliance, and probably thirty-some pages, thirty-nine pages of what we call Preamble, that sort of explains the rule and the need for the rule, and how the rule was negotiated. So it's, and it, we want to make sure that it's right because we don't want to (Seney: Right.) be putting out a (Seney: Right.) federal rule that people, other people involved in the TROA negotiations disagree with. (Seney: Right. Right.) So, we're trying to make sure that we get it right.

Seney: And you . . .

Collins: But that's, that's another thing that I'm doing right now, which, you know, which from some perspective might be considered legal work but it's drafting. It's drafting (Seney: Yeah.) assistance.

Seney: Then I take it the rule is the TROA agreement itself?

Collins: Yes.

Seney: Yeah. Now I, does the specter of T-C-I-D's threats to take legal action hover, I would think, over you as you do this, to make sure that it's done in a way that is pretty much air tight and water tight?

Nothing is Litigation Proof

Collins: Well, as much as you can. (Seney: Yeah.) I mean I, you know, you're not going to, you're not going to completely litigation-proof something when you have parties that are as interested in their own agendas or viewpoints as other people involved in TROA are. (Seney: Right.) And so, it's not possible to make it litigation air-tight, if you will. But yes, you, we think about that, I mean, and we (Seney: Yeah.) want to make sure that we're not saying something that, you know, that can be waved around in the court as: "See, they're really not doing what they said. They're doing something else." And so, and we're serious about that we think we've been able to craft an agreement which will not, you know, which is not detrimental to T-C-I-D. Now, they don't necessarily view it the same way, (Seney: Right.) but we think, we think we've done that. (Seney: Right.) And, I would love to have them agree to sign on, but I don't think that's going to be in the cards.

Seney: Right. Yeah. It's, from every indication they give

it's, they're going to be (Collins: Yeah.)
challenging this.

Collins: Although, they're changing too, you know. Their personnel has changed a little bit, you know, and other new people are coming in, and other things are going on. And, Churchill County, for example, has a new county manager. Well, relatively new county manager (Seney: Right.) in the last couple of years, who's, who's a former federal military officer. And so, people out there are changing a little bit.

Seney: I have interviewed him. He's very interesting.

Collins: Brad Goetsch?

Seney: Yes.

Collins: Yes.

Seney: Yes. (Collins: Yeah.) And, you see some hope maybe that (Collins: Well, I just . . .) he might go in a different direction?

Collins: I just think that there is, that there is less of a "they're out to get us" sort of mentality, at least in the county, than there used to (Seney: Right.) be. (Seney: Right.) I don't know that that's spilled over into the district, particularly. But, the district, their project manager now is a former

Bureau of Reclamation employee (Seney: Right. Right.) official.

Seney: Dave Overvold.

Collins: Dave Overvold. (Seney: Right.) Who actually, I met David when I was regional solicitor in Salt Lake and David was the deputy to Dan Paige [spelling?] who was the area manager in the El Paso Projects Office. He was the project manager in the El Paso (Seney: Right.) Project Office (Seney: Right.) of Reclamation, and reported to the Albuquerque, the regional director in Albuquerque. And, and so I met David years ago. (Seney: Right.) I worked with him on a number of things. And so, David and I have always had a good relationship. (Seney: Right. Right.) I haven't seen him as much since we've been doing this, but I think we'll probably see him more now that he has this new role (Seney: Right.) that he's fulfilling.

Seney: Right. Were you aware that the county, Churchill County, and the tribe have gotten, are working together on some upper Carson [River] issues?

Collins: Yes.

Seney: Yeah.

Upper Carson River Issues

Collins: Yes. I don't know a lot about it. I know some, but I know some of the concerns and I know the tribe has been concerned about the upper Carson for, for a number of years.

Seney: Right. Right. It's an interesting development, I think-

Collins: Well, I think so too, but I think they both see that what's going on in the upper Carson could negatively impact both of them.

Seney: Right. Right.

Collins: And so, it's, it's just like the Preliminary Settlement Agreement, you know, there were, I don't know how many--and that was before I got involved--but, there were people who told me that they were pretty surprised that Sierra Pacific, for example, and the tribe were able (Seney: Right.) to work together (Seney: Right.) to put together an agreement, because their interests, at the time, certainly weren't compatible. (Seney: Right.) Although, they each had interests of their own, which they were able to negotiate out. (Seney: Right.) And so, one thing that I've learned through this whole process is that this tends to make interesting bedfellows in more ways than one, in terms of the parties and what their interests are, and what they're willing to, to do together, (Seney: Right.) that they might not be willing to

do together in any other, in any other context.
(Seney: Right.) So, that's been an interesting
thing for me to observe as well.

Truckee River Operating Agreement

Seney: I want to ask you about, about the OCAP
[Operations Criteria and Procedures], your work
on OCAP and I wanted to—let's talk about TROA
first. Are you comfortable? Do you want to
stretch a little, somehow?

Collins: Yeah. No. I just, my back is (Seney: Why don't .
. .) bothering me just a little bit.

Seney: Why don't you just lay back?

Collins: No. I'll just sit here.

Seney: Just, just . . .

Collins: I'm actually more comfortable just sitting up than
I was leaning back. So.

Seney: Okay. Well, let me move over here so you're not
turning to look at me. How is that?

Collins: Okay. Well, whatever's convenient for you.

Seney: That will help. Okay. No. No. That—I don't
want you to be in pain. (Laugh) Okay. There.

How is that? That better?

Collins: Good. Yeah. That's fine.

Seney: Yeah. Okay. Then you don't have to twist around.

Collins: Yeah.

Seney: You know, the TROA has taken so long and I like to ask people why they think that's, that's been the case, and maybe even just to say, you know, try to explain it to someone. What, what's been going on here? Why has this taken so long? What are the things that have led to the longevity of it? And so, and, question mark.

Collins: Well, from my perspective, and I don't know that this, that everyone would agree with what I, with what I think. I think that when we got into the detail of TROA and began to put more into it than we originally envisioned would be there, when we first met in 1991, I think the state of California came back with a draft outline of what they thought TROA could look like, and it wasn't more than two or three pages (Seney: Right.) of outline. (Seney: Right.) And now we have over 200 pages of text. I think 200. I haven't counted it recently.

Seney: At least. Yeah.

Collins: But, I think it's over 200 pages of text. And, as we've gotten into it issues have arisen and people have put things on the table, that they decided they would like to have as part of this package, which nobody had ever really thought about before in terms of . . .

Seney: Can you give some examples of that?

Collins: Well, I mean TROA, initially, was the vehicle to implement the Preliminary Settlement Agreement. And so, but when you get other interests together, like the state of Nevada and the state of California, who are not parties to the P-S-A [Preliminary Settlement Agreement], then you have other things that come into play, and you have—well, for example, the state of Nevada has been very interested in having some kind of, maintaining some kind of recreation levels at Lahontan Reservoir. Well that never was, initially, part of what we thought TROA was going to be. (Seney: Uh huh.)

And, I'm not sure that, that, you know, how important it is in the whole cog, but I'm just, that's just an example of (Seney: Right.) things that (Seney: Yeah.) have come up. (Seney: Okay.) California, for example, wanting California Guidelines, which, to be part of TROA, which would allow California to make—and it, the actions would be voluntary, but they would

propose guidelines for how the system could be operated in certain circumstances to benefit their California interests for lake levels, reservoir levels for recreation, for instream flows, for wild, for aquatic life, (Seney: Right.) and so on, and I guess we probably all knew in the back recesses that those kinds of things might become possible. But, they weren't the kinds of things that we started out thinking about when we started thinking about what TROA would be.

And, as each of these things has come up, it's—and, once again, in addition to the tribe, then Sierra Pacific, and the United States, who were the parties, if you will, to the P-S-A—the tribe and Sierra were and then the United States Congress ratified it and (Seney: Right.) with some changes and so they tied us in. The federal government, the administrative branch of government never signed the P-S-A, but Congress ratified it and sort of put us into it. But, because TROA said that the secretary is to negotiate an agreement with the states of California and Nevada—doesn't mention the tribe or Sierra Pacific—but says that it's to implement the P-S-A and that the parties to P-S-A were going to have to agree, that automatically makes five signatory parties, four of which are sovereigns. (Seney: Right. Right.) The two states, the federal government, and the Indian tribe, the Pyramid Lake tribe.

And so, but then we reached out, and I think it was Bettenburg and others who thought, “The more people we can get onboard here the better off we are, you know, in terms of down the road. The more people that sign on the less likely we’re going to have problems getting it passed and implemented,” you know, or passed. I mean, approved, signed, and implemented. (Seney: Right.) But, each one of those parties who have come in have their own agendas as well. And so, now, from five parties we have fourteen.

So, we’ve got nine additional parties, and they have things that they would like to see or get out of TROA, and this Fernley credit water issue is an example of that. Obviously, Fernley has an interest in getting credit water. As long as there’s going to be a TROA and as long as there’s going to be a credit water scheme, Fernley has an interest in getting municipal credit water, and storing, being able to store it upstream, and enhance their ability to serve their municipality. The whole concept of Newlands Project credit water was something that came in fairly recently in terms of the whole history of TROA. And so, that’s another thing that has taken us some time to work through exactly how that will work.

I remember back in about 1999 to 2000, through that period of time, we had what has come to be known as the “fork in the road,” where

we realized as we were talking about implementing—there were two scenarios, an A scenario and a B scenario for how credit water could be created by Sierra Pacific. And, it became clear that the government was looking at one, or the other parties were looking at one, particularly the feds, and Sierra was looking at another, and we weren't on the same page, but we didn't know it until we got into a meeting and started talking about it and realized that, that we weren't agreeing on what the rules would be.

Seney: Though you thought you were?

Not on the Same Page

Collins: We thought we, (Seney: Right.) we had thought we were (Seney: Right.) because we didn't understand each other at the time. And then, when we finally understood what they were saying and they understood what we were saying, it became apparent that we weren't on the same page at all.

Seney: Can you recall the details of those different interpretations?

Collins: You know, I was trying to do that because I knew you might ask that and I didn't have a chance to go back and look at any of the documents or anything, which are in Denver by the way.

Seney: Sure.

Collins: My recollection is it had something to do with, with creating water out of Floriston Rates and water above Floriston Rates and it involved, I think, the Little Truckee River flows coming into Stampede [Reservoir], and that sort of thing. And, I just don't recall enough of the detail to be any more explicit than that.

Seney: That's all right. That's all right.

Collins: But, it became apparent that we weren't on the same page. And, and Sierra said, "Hold it. You know, we're not sure we can do this." And so, they had to take some time and we had to take some time, and I don't remember how many months it was but there was a significant period of time where nothing was happening (Seney: Right.) other than just continuing to talk. But, no real decisions were being made. There was a time, two times that I can recall when California, one time when they realized that we weren't in agreement on something and they pulled back, for a while, to sort of regroup, and another . . .

Seney: Was that, was that the depletion issue?

Collins: Yeah. I think it was.

Seney: Yeah. On the river?

Collins: It was the depletion issue or the instream flow issue of some . . .

Seney: Right.

Collins: And, and it may have been depletion. I just don't recall now. And, there was another time when they just didn't have the money to continue the negotiations right then. And so, they had to pull out and not come for a period of time. And so, those are the kinds of things, I guess, that have (Seney: Ah.) happened that we didn't foresee when we thought, "Hey, this is going to be a quick three to five-year deal." (Seney: Right.) Or, at least that was what I thought. (Seney: Right.) I don't know how many people thought it was three to five years. But, we sort of thought, "We ought to be able to get this done." (Seney: Sure. Sure.) But then, it just kind of blossomed into, into this huge project and, and agreement that had many more provisions and dealt with many more things.

I still remember when we were talking about credit water in Tahoe below the rim, and Fred and I said, "We don't have any water, you can't have any water below the rim in Tahoe." Because, Tahoe is defined in 101-618 as the storage created by the dam at the outlet of Lake Tahoe. That's the top 6.1 feet of Tahoe. Once you go below the rim, you're not in the reservoir anymore. And so, that

took, you know, a lot of talking and working out. Because, Sierra very much was interested, as were some others, in being able to say, “Our credit water, when it goes below the rim, we still have it.” (Seney: Uh huh.) You know?

Seney: They didn’t want to lose that?

Collins: Well, they didn’t want to lose that. And so, we had to work out a sort of a complicated series of exchanges and, and, there’s a provision that says when [Lake] Tahoe is going to go below the rim, or if it does, the United, the Fish and Wildlife Service, or the United States and the tribe can designate water in another reservoir as their credit water, and then hope that we can get it back when it comes up above the rim again. (Seney: Right.) You know, I mean that’s essentially what, what the deal is. (Seney: Right.)

United States Had No Control Over the Water Below the Rim

And, but Fred and I were adamant that you couldn’t have credit water below the rim. It just couldn’t exist down there, because nobody had control of that water. (Seney: Right.) That wasn’t water that the United States had any control over. And so, that was something else that—and, you know, when we were doing, initially doing TROA we had no idea that there would be an issue like

that, which would come up, (Seney: Right.) because we hadn't even thought about credit water back then. (Seney: Yeah.) That, credit water, although I think credit water was talked about from early on, but nobody had really thought through some of these kinds of knotty issues about, "Well, what does that really mean? Yeah, you can have credit water, but what does that really mean? And, can you have it in Tahoe? And, if you can, how long can you have it there?" All those kinds of things (Seney: Right. Right.) that all of a sudden have come into play. And so, those are kinds of some of the things that I think have delayed the process way beyond what we originally thought it would be, what I originally thought it would be. I didn't expect, in 1991, that, well I didn't expect to retire in 1997 either, but my rock-ribbed conservative Republican background caught up with me.

Seney: How so?

Solicitor's Office under the Clinton Administration

Collins: Well, I don't have any—let's just say that I've been told that, that I was kind of targeted by the Solicitor's Office in the Clinton administration as being somebody that they might want to take, keep a close eye on and take a close look at. (Seney: Oh.) And so . . .

Seney: So, you were high enough up?

Collins: So, in—oh yes.

Seney: Yeah. Yeah.

Collins: I was in the Senior Executive Service [SES] and I, and those are positions that are highly sought after, (Seney: Right. Right.) and they like to be able to give them to people that are “their people,” if you will.

Seney: Sure. Sure. I know it.

Collins: And so, I wasn’t viewed, necessarily, as a career lawyer anymore, a federal lawyer. I was kind of viewed as a Reagan-Bush holdover sort of lawyer.

Seney: That was by political appointment, almost?

Collins: Yeah. Right.

Seney: Yeah.

Collins: And so, in September of 1996 I was reassigned from Salt Lake City to Sacramento by, by the solicitor and the deputy solicitor, and I was made a special assistant to the regional solicitor in Sacramento, and lost my office. I was no longer head of the Salt Lake Office and wasn’t in that position anymore. Now, to the credit of the

regional solicitor in Sacramento, he said to me, “You know, I trust you. I know that you can do the, you know, I know what you’ve been doing and I trust you to continue to do the job you’ve been doing. And so just, you know, keep me informed of anything you think I should know about, but otherwise just go do your thing.” And so, it really didn’t affect my work on TROA, or on 101-618, thankfully.

Seney: Were you able to stay in Salt Lake, live in Salt Lake?

Collins: I, yeah, my family didn’t want to move (Seney: Sure.) from Salt Lake. We were comfortable there. We had a nice, you have a nice home there. My kids were in school.

Seney: Sure. Well this was, they were trying to push you out, right?

Collins: Well, that was my view.

Seney: Sure.

Collins: I don’t, I can’t, you know I don’t have any independent confirmation. Well, I’ve been told that, but I don’t want to get into the, into who says that.

Seney: Well, they don’t usually look at your footprints on

that, do they? They tend not to.

Collins: No, not usually. (Seney: Yeah.) They try not to.

Seney: Yeah.

Collins: But, but I think they were a little bit surprised, because I think what they thought was that I would, rather than going to Sacramento at all I would simply retire in September of 1996. But, I went to Sacramento for six months, commuted back and forth to Salt Lake to see my family like every other weekend, or something, and, and got my high three in a little better shape, and then announced my retirement.

Seney: “High three” must mean retirement of some kind?

Collins: Well, the high three in the federal service, your annuity is based on your highest three years of salary.

Retired from the Solicitor’s Office

Seney: I see. Okay. All right.

Collins: And so, I extended my higher salary for another six months, which, which made my annuity a little bit better, (Seney: Good. Yeah.) and so on.

Seney: And, you were still in the Senior Executive

Service (Collins: Yes.) at that point? Yeah.

Collins: I was. They never, they could never take me out of that, (Seney: Yeah.) because that's, you know, (Seney: Right.) but they really wanted that position, I think. They really wanted that slot, because there aren't (Seney: Right.) that many of them.

Seney: Well, that's how these things work, isn't it?

Collins: Yeah. That's right.

Seney: Yeah. Yeah.

Consultant for DOJ

Collins: And I had seen it before (Seney: Sure.) and I, you know, I'd been around long enough to (Seney: Right.) know. So, I was, you know, I was pleased when, when I announced that I was going to go, and Fred came and said, "Would you be willing to do this? If I can get a contract for you, would you be willing to be a consultant?" And so, we talked about it and I said, "Sure." And it's been, it's been really good for me, (Seney: Yeah.) because I've enjoyed being, still being involved (Seney: Sure.) you know, but I don't have the same sort of tensions and (Seney: Right.) concerns (Seney: Right.) that I had for that six months when I knew that I was sort of frowned upon by those above

me.

Seney: Is the pay kind of comparable? I know you're not working full-time, but you must be paid hourly, I would think? Is that it?

Collins: I'm paid hourly. Yeah.

Seney: Is it kind of comparable to what you were making before?

Collins: It depends on how many hours I work a week.
(Seney: Yeah.) How many hours a month I work.

Seney: I'm thinking of for what you're being paid now per hour as opposed to if you broke it down what you were being paid per hour before. Pretty much the same?

Collins: Oh, I think it's probably more now. But it's,
(Seney: Ah.) it's been . . .

Seney: That's nice.

Collins: But that's been what?

Seney: Nine years.

Collins: Nine years ago. So.

Seney: Right.

Collins: I don't know if I looked at what the Senior Executive Service salary level now would be, whether it's any more or not, (Seney: Sure.) but it's, it's more than what I think per hour than what I was, (Seney: Well, that's nice.) being paid then.

Seney: Yeah. That's nice.

Collins: But, I'm not working the same number of hours either.

Seney: Right. Right.

Collins: But, I do have my annuity which comes in. So that, that helps too.

Seney: Yeah. Right. Right.

Collins: So. Uhm . . .

Seney: You know, your recitation of these holdups on the TROA, frankly, have been the best I've gotten so far.

Collins: Is that right?

Seney: Absolutely. Can you think of . . .

Collins: That must mean I'm telling you something I shouldn't be saying. (Laugh)

Seney: No. No. Not at all. I think, I think that, you

know, as I said to you when we talked about, you know, the interview and whatnot, everybody has a different perspective. Everybody (Collins: Yeah.) has different, sees it differently. And, some people are much more focused on the details. Other people see more generalities. And, I think maybe you do, you do a little of both, but your recitation of what, you know, the holdups were was excellent, was superb. Any others you can think of that, that fit in there?

Forks in the Road

Collins: Oh . . . no. I don't. (Seney: Okay.) I don't think so. I mean I, the ones that I recall specifically, although I don't have a lot of the specific details, were the fork in the road, and the Tahoe below the rim, and the Fernley credit water, and the Newlands Project credit water, which are more recent (Seney: Right.) page things.

Seney: And, before we started taping you said you thought maybe those were, they were somewhere near agreement on the Truckee, or on the Fernley credit water?

Collins: I hope so.

Seney: Yeah.

Collins: We'll find out tomorrow.

Seney: Right.

Collins: You know, the last I knew it looked very positive.

Seney: Right. Right.

Collins: And so, I'm hoping.

Seney: Good.

Collins: And, I'm hoping that the people at Interior and the people for the tribe, and the people for Fernley are as positive about it as I am hearing that people are positive (Seney: Good.) about it.

Seney: Yeah.

Collins: So if that, if that works out I think we'll find that things will work out tomorrow better than they have been.

Seney: I know there have been ups and downs in sort of the optimism over a settlement of this issue. If it looked good maybe they'd split it off and do it separately if it didn't look good. So, a settlement would be welcomed by all, I'm sure?

Collins: Well, I think so. Because, you know, the idea of leaving a loose end hanging for resolution later isn't particularly attractive (Seney: Right.) when you're trying to tie everything up. (Seney: Right.)

Although, I must say that it's an issue that would not be worth, you know, dumping TROA for. I mean, (Seney: Right. Right.) getting TROA is more important in my mind than whether or not Fernley has credit water. (Seney: Right.) But, if we can get them credit water, I think that's a great step, (Seney: Right.) and I think it's a positive thing, (Seney: Right.) if everybody can agree on it. But, it's not worth trashing TROA for, or walking away from TROA (Seney: Right.) for.

Seney: Let me ask you to assume that you're a litigation lawyer for T-C-I-D. What would you recommend that they go after in TROA, how they would attack it legally?

Perspective of TDIC

Collins: Well, I think the things that they're already doing. I don't know how familiar you are with, you know, this, the Truckee Meadows lawyer?

END SIDE 2, TAPE 1. SEPTEMBER 12, 2006.
BEGIN SIDE 1, TAPE 2. SEPTEMBER 12, 2006.

Seney: [Inaudible]. Go ahead.

Collins: Was incorporated into [inaudible] their [inaudible] the Orr Ditch Decree in 1944. And, in T-C-I-D's view—and I hate to speak for them, so I'm just characterizing my understanding (Seney:

This is hypothetical. Right.) of what they're (Seney: Right. Right. Yeah.) saying—is that you cannot change the 1935 Agreement, which has been incorporated into the Orr Ditch Decree, without one of the parties to that agreement signing on. You're leaving a party out. (Seney: Right.) And that, of course, is their argument. And, I think that's going to be pretty much the crux of where they come from on any, any attempt to litigate against TROA, will be that we are ignoring them as a party to a previous agreement (Seney: Right.) which, which they signed, (Seney: Right.) and which we're not attempting to supplant.

Seney: Right. I understand that from the point of view of the other side that there's holes in their argument, because they don't really suffer the big changes in the Floriston business on the, from the 1935 Agreement, and Sierra Pacific was the one impacted by those and they've agreed to the changes. So, do they have any real quarrel or gripe here, do you think?

They're Not Being Harmed

Collins: Well, you know, everybody has their perspective and I have my feeling about it. I don't think that . . . let me preface it by saying that you never know what a court's going to do. (Seney: Right.) You never know how a judge is going to think. My

argument certainly would be that they're not being harmed.

Seney: Right. Right. [Tape paused] Go ahead.

Collins: That to the extent that there is less water available to them under TROA it's a function of senior, more senior water right holders being able to more effectively use their water so it doesn't stay in the river and get to Derby Dam.

Seney: Uh huh.

Collins: The credit water issue.

Seney: Yeah. The credit water, right?

Collins: Right.

Seney: Yeah.

Collins: Because, there's water that goes down now that Sierra, now TMWA [Truckee Meadows Water Authority], can't use at the time they need it, and they don't have a place to store it, and so it just goes down the river, and it's available for (Seney: Ah.) diversion. The fact that some of that may go away, and I don't think it's a huge amount, but the fact that some of that may go away isn't legally, they don't have a legal entitlement to it. I mean, that's my view. And simply, that's my view.

(Seney: Right.) I can't speak for the United States. I'm simply giving you my view.

Seney: Right. I understand. Right.

Collins: That they don't have a legal entitlement to it. And so, legally they're not being harmed. But, they're going to make that argument. And, you just don't know what a court's going to say about it.

Seney: Sure. Sure.

Collins: Also, 101-618, of course, as you know, requires that the United States, the secretary take TROA, or the United States take TROA before both the Truckee River General Electric Court, which was the 1915 Decree and the Orr Ditch Court, the 1944 (Seney: Right.) Decree, and get those two courts' approval of any changes in the decrees which are necessary, any modifications which are necessary to implement TROA.⁹ And, there will be that occasion where somebody can come in and argue that (Seney: Right.) they're being harmed, before those two courts.

9. For information on the Truckee River General Electric Court 1915 Decree, see *United States of America v. Truckee River General Electric Company*, Judgment and Decree, www.troa.net/documents/TruckeeRiver_GE_Decree_1915/index.pdf (Accessed November 2013); for a brief summary of the Orr Ditch Decree see "What is the Orr Ditch Decree and why is it important?", www.tcid.org/support/faq-detail-view/what-is-the-orr-ditch-decree-and-why-is-it-important (Accessed November 2013).

But, once those courts, if those courts have proved the modifications to the two decrees, then I think, then I think essentially it's over. I think the courts will have said, "We have listened to everybody and we don't think anybody is being hurt here, and besides we still have the federal watermaster for the Orr Ditch Decree, and if he believes that somebody's being hurt he can do something about it, you know, (Seney: Sure. Sure.) or they can come back to court, if it doesn't work the way you're telling us it's going to work." And so, I think that we have attempted to cover them and everybody else who might feel that they're somehow adversely impacted by implementing TROA, that we've attempted to give them a way that they can get it resolved, if they think they're being harmed in some way. So, that's from my perspective, (Seney: Right.) and I . . .

Seney: No. I appreciate that there are many viewpoints here and . . .

Collins: Yeah. And I don't know what Fred would say and I don't know what Steve McFarland would say, (Seney: Right.) but I think we're pretty much together on that, (Seney: Right. Right.) but, you know. But, that's just kind of our perspective on it. My perspective.

Seney: Well Fred, Fred did argue to me, when he, when

we, when I interviewed him recently that, that he thought—and I wish I could recall his argument more clearly, because it was a persuasive one. It was cogent, I thought—that they weren't really being harmed by the, by say abrogating that '35, 1935 Agreement because they're just, they weren't losing any water under it. And, that must be your view as well?

Collins: Well, I'm not sure what Fred, where he was coming from, (Seney: Yeah.) but let me say this. The 1935 Truckee River Agreement, in the view of the United States, has, the view we've always had is that it does not confer any water rights on anybody. It's an operational agreement. (Seney: Right.) So, there aren't any water rights conferred on anybody by that agreement. They're conferred by the Decree. And, that T-C-I-D was a signatory to that 1935 Agreement because under the 1926 contract they were operating Lake Tahoe Dam. (Seney: Right.) They don't operate Lake Tahoe Dam anymore.

Seney: That was what Fred said to me, now I recall. Yeah.

Collins: Yeah.

Seney: They're no longer operating it.

Collins: Yeah, they—right. And so, the only structure on

the Truckee River that T-C-I-D has—well, I guess you can consider Donner Lake (Seney: Right.) part T-C-I-D's. They have a portion of the Donner Lake (Seney: Right.) storage, along with now TMWA, and they operate Derby Dam. But, they do not operate Tahoe Dam. And so, to the extent that the Truckee River Agreement dealt with operation of Lake Tahoe, they don't do that anymore. And, that may have been where Fred was, (Seney: I think it was.) what he was thinking.

Seney: Yeah. Yeah. I think that was right.

Collins: What he was thinking.

Seney: Did you play any part in the renegotiation of the contract with T-C-I-D?

Renegotiations with TCID

Collins: I played a very limited part. That happened when I was in Sacramento. And so, the regional solicitor sent me over on a couple of occasions to sit in. The—oh, I hate to name names—the, I think the Lahontan Basin area manager, at that time, was Ann Ball,¹⁰ (Seney: Right. She was.) if I

10. Ann Ball participated in Reclamation's Oral History Program, see Ann M. Ball, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation Oral History Interviews conducted by Donald
(continued...)

recall. (Seney: Right.) And, and so I sat in on some of those negotiations and I was there for the signing in 1996, and everything was, you know, very friendly. But I, but there was an attorney assigned from Sacramento, Regional Solicitor's Office, who was more of a Reclamation lawyer than I am, who was really the one who was sort of involved more in the nuts and bolts, and I was kind of there just because of my involvement with 101-618.

Seney: Right. Was there, do you recall why it was that T-C-I-D was no longer given authority over the Tahoe City Dam?

Collins: What I recall was that Reclamation determined that they really ought to be the ones to operate it, particularly going into, with 101-618 and going into TROA it was one of the five federal reservoirs specifically named in 101-618. And, I think that Reclamation felt that they should be the operator of those reservoirs, to the extent that they have, I know one of the five reservoirs is Martis [Martis Creek Reservoir], which is a Corp of Engineers (Seney: Right. Right.) reservoir, but the other four are Reclamation reservoirs. (Seney: Right.) Well, that's not entirely true either,

10. (...continued)

B. Seney, from 1995 to 1998, in Carson City and Reno, Nevada, edited by Donald B. Seney with final editing and layout by Brit Allan Storey, 2009.

because you have Boca.

Seney: Which is private?

Collins: Which is owned by the United States but which was operated under contract by the Washoe County Water Conservation District. They have a contract with Reclamation to (Seney: Right.) operate it. But, I think it was just determined that Reclamation should operate Tahoe, because it was one of the pivotal, (Seney: Right.) pivotal facilities in the whole thing.

Seney: Right.

Collins: I wasn't part of that decision, or agreement, or discussion to—well, I guess I was in some of the discussions, but I don't recall a lot of detail now about who said what and why it was determined that way. But, I think it all had to do with, with, "We can do that now. You know, we have the ability to do that now."

Seney: Right. What about the O-C-A-P? Did you have anything to do with the O-C-A-Ps?

Collins: Fortunately, no.

Seney: Why do you say that? (Laugh)

Never Involved with OPAC

Collins: Well, I mean, you know, I, so—I shouldn't say "fortunately." I just didn't have, I was never involved in any legal drafting or legal, in the legal issues involved with the O-C-A-P, except for the recoupment case. I was involved in the recoupment case, and that, of course, dealt with the violations of the O-C-A-P from 1973 to the mid 1980s. (Seney: Right.) But, I wasn't involved in the 1997 Adjusted O-C-A-P. I was aware of it, but I never was asked to review it or give any legal advice on it, or anything. And, I wasn't involved in the drafting or the, or the implementation of the 1988 O-C-A-P. I had to become somewhat familiar with it, because of what else we were doing out here, (Seney: Yeah.) but I really had nothing to do with the O-C-A-P cases. I've talked with, you know, Fred has told me about O-C-A-P cases, and we've talked about Bench Bottom and all that other stuff. (Seney: Right. Right.) But, but other than sitting in a couple of hearings I've really had nothing to do with that.

Seney: How do you, how do you read the judge's opinion in the recoupment case? The original claim was for 1,058,000 acre feet?

Judge's Opinion on the Recoupment Case

Collins: Right.

Seney: And, I think what the judge came down to about 200,000, plus or minus?

Collins: Yeah. Plus or minus.

Seney: Yeah. How did, what's your understanding of what the . . .

Collins: Well, I think what the judge looked at was that from 1973 until—there was a period of time in the '80s when, when you could say that there were, when it's possible to say—now, we argued that—but it's possible to say that there were no O-C-A-P in place. (Seney: Ah.) Because of just the way things were, had happened back then. And so, I think the judge, in coming to his conclusion, looked at that period of time and said, “Well, there really weren't any O-C-A-P being enforced, in place and in force, and so I'm not going to give credit to the United States for those years.” (Seney: Right.) What I don't think the judge—well, and I'm probably getting into stuff here that's part of an appeal and I shouldn't really talk too much about it. But what, what I think the judge didn't look at was that even if you didn't look at the O-C-A-P you looked at the Decree itself and what, what kind of limits the Decree would place on diversions, they probably exceeded those as well.

Seney: “The Decree” you mean the Orr Ditch Decree?

Collins: The Orr Ditch Decree.

Seney: Yeah.

Collins: Yeah.

Seney: Right.

Collins: And, I probably ought to, (Laugh) I can't say that off the record, but I just guess that . . .

Seney: This will take a while, this interview to be processed (Collins: Yeah.) and probably the appeal will be argued before that ever happens.

Collins: Well, who knows? Yeah.

Seney: Who knows?

Collins: I don't know. And also the judge put some credence in their expert's testimony about the accuracy of the gauges. I think the U-S-G-S [United States Geological Survey] had, there was a plus or minus percentage of accuracy on the gauges and I think the judge gave them the benefit of the doubt on the, (Seney: Ah.) on one side, without assuming that they could have over, you know, there could have actually been more diversion (Seney: Right.) than what the gauge said. He thought there was less diversion than what the gauge said. (Seney: Right.) So, all of

those things are issues which the United States has looked at, and since I'm not an attorney for Justice I can't really say too much about it.

Seney: Right. I understand. Right. Right. I'm just curious as to your view.

Collins: But, that was my, that was my reading of what the, where the judge was coming from.

Seney: Did it seem fair to you? Did it?

Collins: Well . . .

Seney: I mean, obviously you, there's going to be an appeal and there are quarrels about it, but . . .

Collins: But, he did give us interest.

Seney: Yeah. That's true. I recall that.

Collins: He did give us interest. (Seney: Yeah.) Two percent, which is what we asked for. And so, I don't know, you know, in reality I don't know if, how much difference it really will make (Seney: Right.) in, in the long run about (Seney: Yeah.) whether it's 200,000 or a million fifty-eight, (Seney: Right.) a million fifty-seven. Because, with the interest . . .

Seney: And, he didn't suspend the interest for the

(Collins: He did not.) appeal period? Yeah.
Right.

Collins: He did not.

Seney: Right.

Collins: Not as far as I know.

Seney: Yeah. Of course.

Collins: I haven't been involved in that litigation.

Seney: I think Fred said, "No."

Collins: I think he did not. (Seney: Yeah.) And so, yeah. I think we were a little disappointed, but I still remember a conversation—I drafted the complaint in that case, and Justice approved it of course, but I'm the one who drafted most of the complaint in that case, that we filed in 1995 with the court, asking for the water to be back. And, I still remember John Leshy, who was the solicitor of the Interior, saying, "Well, I'll approve you sending it over, but you'll never make it past a Motion to Dismiss." That was his view at the time. (Seney: Yeah.) Well, not only did we make

it past a Motion to Dismiss, but we actually won, if you count getting some water back and (Seney: Right.) getting interest as winning.

Seney: Right. Right. Yeah.

Collins: You know. So, we didn't get everything we wanted, but we didn't get, we didn't get blown out of the ballpark either.

Seney: Right. Right. Yeah.

Collins: And so, I've always looked at the recoupment case as, as a victory, even though I think that the judge could have done better with the evidence that we had. But, who knows? As I said, you can't tell what a judge is going to do.

Seney: Right. Right.

Collins: And, everybody looks at it a little bit differently. I think, I don't know how T-C-I-D looked at it. They portrayed it as a victory for them, but I'm not quite sure how that works, because they still owe the water and the interest. (Seney: Right.) And, they were found liable. So, for how much? Yeah. They weren't found liable for the whole

million, but they were found liable for, you know, a significant amount of water.

Seney: Right. Right. What else do you, what else should we understand that you know about these things?

Collins: Gee, I don't know. I feel like I've talked a whole lot about a lot of things.

Seney: Well, you have, actually.

Collins: Probably more than I should have talked about. But . . .

Seney: Well, you'll get a chance to review this.

Collins: I know. I know I will. (Seney: Yeah.) I just hope Fred doesn't think I've overstepped my bounds in what I've said. But, you're asking me for my personal opinion, (Seney: Sure.) and that's essentially what I'm giving you.

Seney: Well, as long as you say that, I don't know that . . .

Collins: Yeah, and I'm not . . .

Seney: Yeah.

Collins: As I think I . . .

Seney: Let me say, Fred is, Fred is not reticent. Fred speaks up.

Collins: No. Fred is never reticent.

Seney: Yeah. Right.

Collins: Fred is never reticent. I'm trying to think if there's anything else that would be helpful to a more full record of this. Well, one thing I don't know whether you're aware of, but I have been tasked to try to put together the Administrative Record for the TROA negotiations and the TROA E-I-S [Environmental Impact Statement]. Well, and try to combine the administrative records into some semblance of a comprehensive . . .

Seney: Not aware of that. Yeah.

Collins: I'm sorry.

Seney: I'm not aware that you were (Collins: Oh, yeah.) tasked to do that. Yeah.

Administrative Record for TROA

Collins: And so, the Technical Service Center in Denver has been very generous in giving us space there for storage of files and for me to go work. I have a desk that I can use when I go over there, and we are in the process of, we've put together spreadsheets of all, every document that we've been able to gather from all the sources of documents that we've gathered from. And, and to index.

Seney: That's going to be quite an artifact, isn't it?

Collins: Yeah. It is. And then, we obviously have to go through and eliminate those things that really aren't important. (Seney: Right.) And, we have to go through and figure out which documents are privileged, or potentially privileged, and shouldn't be part of the Administrative Record. You know, lawyer-client communication and that (Seney: Right. Right.) sort of thing. There's an awful lot of that in there as well. So, that's one of the projects that I'm still assigned to working on.

Seney: Do you find that interesting?

Collins: Yeah. It's, it is interesting, (Seney: Yeah.) and it's interesting because I've been able to step back from it a little bit and look at it in more of a big picture, because we've got people in Denver at the Technical Service Center who are actually doing the typing and the, and the cataloging of the documents, and they come to me with questions, and I go over and review what they've done and talk to them, and tell them, you know, what I think they should be doing next, or whatever.

Seney: And, this is typical? This would always be done with this kind of a negotiation or whatnot, you'd put together an Administrative Record of it?

Collins: Any one that you expect that will end up in court. Because, the Administrative Record is for the court. (Seney: Uh huh.) When you go to court, the court wants to see the record upon which the administrator made the decision.

Seney: Ah. I understand now.

Collins: And so, when the secretary signs TROA and/or the Rule, the court will want to see, or the Record of Decision for the EIS, the court will want to see, know what documents were considered and what

the basis for that administrator's (Seney: Right.) decision is. And so, that's the purpose of the Administrative Record.

Seney: Well, you have to save, as you weed out documents that you don't think are pertinent will you probably have to save those too, right? You put them in . . .

Collins: Yeah. You do. You . . .

Seney: "We don't think this is pertinent" file, or something?

Collins: Yeah. But, you still have to log it and you still have to (Seney: That's what I mean.) know where it is. (Seney: Right.) Because somebody else may think it's pertinent.

Seney: Exactly. Right.

Collins: And the same is true of privileged documents. You have to create a privilege log and you have to name the document. You don't have to say what's in it, (Seney: Right.) but you have to say, "From so and so to so and so with regard to this subject," you know, and you have to know where

it is, and you have to put it in a log so that if the other side comes and says, “What documents have you withheld from us as privileged?” we can hand them the log.

Seney: Right. Right. Yeah. Yeah. That’s fascinating.

Collins: And then they can argue with, before the judge, whether or not it really should be privileged for not. (Seney: Right.) And, the court can look at it and decide. They don’t get, they don’t get it until the judge says they should have it. (Seney: Uh huh.) But, the judge can look at it and say, (Seney: Right. Sure.) “Yeah, I think this or I don’t think this is privileged.”

Seney: Right.

Collins: So, that’s a major part of what I’ve done, I’ve been doing, although I haven’t been doing as much of it in the last couple of months. But, that’s one of the tasks that I have, in addition to coming to the negotiations.

Seney: Right. Right.

Collins: And being involved there and being helpful if I

can. And I really, I can't think of anything else right now. I . . .

Seney: That's great. You've been great. I mean, when we talked on the phone, when I called you at home in Salt Lake City you said, "Well, I don't know what I'm going to add here," you know.

Conclusion

Collins: Well, and as I say . . .

Seney: You've added a tremendous amount.

Collins: Well.

Seney: You really have.

Collins: I'm sure you've heard a lot of this from other people?

Seney: Well actually, you know, it's, again it's a slightly different view. (Collins: Yeah.) I mean, as I said what you had to say about the roadblocks, and the way you put it, to TROA, and the things that you hadn't seen that would come up down the road, that's very helpful. (Collins: Well . . .) Extremely

helpful.

Collins: And, but recognize that that's from my personal perspective of things that I didn't envision (Seney: Always.) or hadn't thought of.

Seney: That's always understood.

Collins: Right. That I hadn't thought of.

Seney: That's always understood.

Collins: It doesn't mean that somebody else didn't think of about it, (Seney: Yeah.) but I didn't see it as a (Seney: Right.) possibility.

Seney: Well, you have to understand, this interview is sort of like a raw historical document.

Collins: Yeah. Right.

Seney: It's going to guide people (Collins: Right.) in the future who want to do research on these things. And frankly, I think they'll find this one very, very useful on that.

Collins: Good.

Seney: I really appreciate it.

Collins: Good.

Seney: Thank you, Lynn.

Collins: Well, you're very welcome.

Seney: All right.

Collins: Thank you for talking with me.

Seney: You bet.

END SIDE 1, TAPE 2. SEPTEMBER 12, 2006.
END OF INTERVIEW.